

House File 2129 - Introduced

HOUSE FILE 2129

BY WINDSCHITL

A BILL FOR

1 An Act relating to the issuance and verification of, and the
2 transfer of records concerning permits to carry weapons
3 and the confidentiality of such records including the
4 confidentiality of records for such permits and for permits
5 to acquire pistols or revolvers, prohibiting fraudulent
6 transfers of firearms and ammunition, providing for a
7 fee and a penalty, and including effective date and
8 applicability provisions.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

VERIFICATION AND TRAINING

Section 1. Section 724.5, Code 2016, is amended to read as follows:

724.5 Duty to carry or verify permit to carry weapons.

1. A person armed with a revolver, pistol, or pocket billy concealed upon the person shall have in the person's immediate possession the permit provided for in section 724.4, subsection 4, paragraph "i", and shall produce the permit for inspection at the request of a peace officer.

2. A peace officer shall verify through electronic means, if possible, the validity of the person's permit to carry weapons.

3. Failure to so produce a permit is a simple misdemeanor, punishable as a scheduled violation pursuant to section 805.8C, subsection 11.

Sec. 2. Section 724.7, subsection 1, Code 2016, is amended to read as follows:

1. a. Any person who is not disqualified under section 724.8, who satisfies the training requirements of section 724.9, and who files an application in accordance with section 724.10 shall be issued a nonprofessional permit to carry weapons. Such permits shall be on a form prescribed and published by the commissioner of public safety, which shall be readily distinguishable from the professional permit, and shall identify the holder of the permit. Such permits shall not be issued for a particular weapon and shall not contain information about a particular weapon including the make, model, or serial number of the weapon or any ammunition used in that weapon. All permits so issued shall be for a period of five years and shall be valid throughout the state except where the possession or carrying of a firearm is prohibited by state or federal law.

b. The department of public safety shall issue a more durable copy of the nonprofessional permit to carry weapons to the permit holder as provided in section 724.11B.

1 Sec. 3. Section 724.9, Code 2016, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 1A. The handgun safety training course
4 required in subsection 1 may be conducted over the internet
5 in a live or web-based format, if completion of the course is
6 verified by the instructor or provider of the course.

7 Sec. 4. Section 724.11, subsections 1 and 3, Code 2016, are
8 amended to read as follows:

9 1. a. Applications for permits to carry weapons shall
10 be made to the sheriff of the county in which the applicant
11 resides. Applications for professional permits to carry
12 weapons for persons who are nonresidents of the state, or whose
13 need to go armed arises out of employment by the state, shall
14 be made to the commissioner of public safety. In either case,
15 the sheriff or commissioner, before issuing the permit, shall
16 determine that the requirements of [sections 724.6 to 724.10](#)
17 have been satisfied. However, ~~for renewal of a permit the~~
18 training program requirements in section 724.9, subsection
19 1, do not apply to an applicant who is able to demonstrate
20 completion of small arms training as specified in section
21 724.9, subsection 1, paragraph "d". For all other applicants
22 the training program requirements of section 724.9, subsection
23 1, must be satisfied within the twenty-four-month period prior
24 to the date of the application for the issuance of a permit.

25 b. (1) Prior to issuing a renewal, the sheriff or
26 commissioner shall determine the requirements of sections
27 724.6, 724.7, 724.8, and 724.10 and either of the following, as
28 applicable, have been satisfied:

29 (a) Beginning with the first renewal of a permit issued
30 after the calendar year 2010, and alternating renewals
31 thereafter, if a renewal applicant applies within thirty
32 days prior to the expiration of the permit or within thirty
33 days after expiration of the permit, the training program
34 requirements of section 724.9, subsection 1, do not apply.

35 (b) Beginning with the second renewal of a permit issued

1 after the calendar year 2010, and alternating renewals
2 thereafter, if a renewal applicant applies within thirty
3 days prior to the expiration of the permit or within thirty
4 days after expiration of the permit, a renewal applicant
5 shall qualify for renewal by taking an online training course
6 certified by the national rifle association or the Iowa law
7 enforcement academy, and the training program requirements of
8 section 724.9, subsection 1, do not apply.

9 (2) If any renewal applicant applies more than thirty days
10 after the expiration of the permit, the permit requirements
11 of paragraph "a" apply to the applicant, and any subsequent
12 renewal of this permit shall be considered a first renewal for
13 purposes of subparagraph (1). However, the training program
14 requirements of section 724.9, subsection 1, do not apply to an
15 applicant who is able to demonstrate completion of small arms
16 training as specified in section 724.9, subsection 1, paragraph
17 "d". For all other applicants, in lieu of the training program
18 requirements of section 724.9, subsection 1, the renewal
19 applicant may choose to qualify on a firing range under the
20 supervision of an instructor certified by the national rifle
21 association or the department of public safety or another
22 state's department of public safety, state police department,
23 or similar certifying body.

24 (3) As an alternative to subparagraph (1), and if the
25 requirements of sections 724.6, 724.7, 724.8, and 724.10 have
26 been satisfied, a renewal applicant may choose to qualify, at
27 any renewal, under the training program requirements in section
28 724.9, subsection 1, shall apply or the renewal applicant may
29 choose to qualify on a firing range under the supervision of
30 an instructor certified by the national rifle association or
31 the department of public safety or another state's department
32 of public safety, state police department, or similar
33 certifying body. Such training or qualification must occur
34 within the ~~twelve-month~~ twenty-four-month period prior to the
35 expiration of the applicant's current permit, except that

1 the twenty-four-month time period limitation for training or
 2 qualification does not apply to an applicant who is able to
 3 demonstrate completion of small arms training as specified in
 4 section 724.9, subsection 1, paragraph "d".

5 3. The issuing officer shall collect a fee of fifty dollars,
 6 except from a duly appointed peace officer or correctional
 7 officer, for each permit issued. Renewal permits or duplicate
 8 permits shall be issued for a fee of twenty-five dollars,
 9 provided the application for such renewal permit is received by
 10 the issuing officer ~~at least~~ within thirty days prior to the
 11 expiration of the applicant's current permit or within thirty
 12 days after such expiration. The issuing officer shall notify
 13 the commissioner of public safety of the issuance of any permit
 14 ~~at least monthly~~ as provided in section 724.11B, and forward to
 15 the commissioner an amount equal to ten dollars for each permit
 16 issued and five dollars for each renewal or duplicate permit
 17 issued. All such fees received by the commissioner shall be
 18 paid to the treasurer of state and deposited in the operating
 19 account of the department of public safety to offset the cost
 20 of administering [this chapter](#). Notwithstanding [section 8.33](#),
 21 any unspent balance as of June 30 of each year shall not revert
 22 to the general fund of the state.

23 **Sec. 5. NEW SECTION. 724.11B Nonprofessional permit to**
 24 **carry weapons — durable copy.**

25 1. Within fourteen days after the sheriff has issued an
 26 initial, renewal, or duplicate nonprofessional permit to
 27 carry weapons, the sheriff shall transmit the permit holder's
 28 information to the department of public safety. Within thirty
 29 days of the permit holder's information being transmitted to
 30 the department of public safety, the department shall issue
 31 a more durable copy of the nonprofessional permit to carry
 32 weapons to the permit holder.

33 2. The durable copy of the permit shall have a uniform
 34 appearance, size, and content prescribed and published by the
 35 commissioner of public safety. The permit shall contain the

1 name of the permit holder and the effective date of the permit,
2 but shall not contain the permit holder's social security
3 number or photograph and shall not contain information about a
4 particular weapon or any ammunition as prescribed by section
5 724.7, subsection 1.

6 3. A durable copy of the permit issued pursuant to this
7 section shall be considered a valid permit in addition to
8 the permit issued by the sheriff pursuant to section 724.7,
9 subsection 1.

10 Sec. 6. NEW SECTION. **724.14 Nonprofessional permit —**
11 **change of residence to another county.**

12 If a permit holder of a nonprofessional permit to carry
13 weapons changes residences from one county to another county
14 after the issuance of the permit, the department of public
15 safety shall by rule specify the procedure to transfer the
16 regulation of the holder's permit to another sheriff for the
17 purposes of issuing a renewal or duplicate permit, or complying
18 with section 724.13.

19 Sec. 7. Section 805.8C, Code 2016, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 11. *Failure to produce permit to carry.* For
22 violations of section 724.5, the scheduled fine is ten dollars.

23 DIVISION II

24 CONFIDENTIALITY

25 Sec. 8. Section 724.23, Code 2016, is amended to read as
26 follows:

27 **724.23 Records kept by commissioner and issuing officers.**

28 1. The commissioner of public safety shall maintain a
29 permanent record of all valid permits to carry weapons and of
30 current permit revocations.

31 2. a. Notwithstanding any other law or rule to the
32 contrary, the commissioner of public safety and any issuing
33 officer shall keep confidential personally identifiable
34 information of applicants and holders of nonprofessional
35 permits to carry weapons and permits to acquire pistols or

1 revolvers, including but not limited to the name, social
2 security number, date of birth, residential or business
3 address, and driver's license or other identification number of
4 the applicant or permit holder.

5 b. This subsection shall not prohibit the release of
6 statistical information relating to the issuance, denial,
7 revocation, or administration of nonprofessional permits to
8 carry weapons and permits to acquire pistols or revolvers,
9 provided that the release of such information does not reveal
10 the identity of any applicant or individual permit holder.

11 c. This subsection shall not prohibit the release of
12 information to any law enforcement agency or any employee or
13 agent thereof when necessary for the purpose of investigating
14 a possible violation of law and probable cause exists, or for
15 conducting a lawfully authorized background investigation.

16 d. This subsection shall not prohibit the release of
17 information relating to the validity of a professional permit
18 to carry weapons to an employer who requires an employee or an
19 agent of the employer to possess a professional permit to carry
20 weapons as part of the duties of the employee or agent.

21 e. (1) (a) This subsection shall not prohibit the release
22 of the information described in subparagraph (2) to a member
23 of the public who requests whether another person possesses a
24 professional or nonprofessional permit to carry weapons or a
25 permit to acquire pistols or revolvers. Prior to the release
26 of information described in subparagraph (2), the member of
27 the public requesting the information shall appear in person
28 and provide in writing to the department of public safety or
29 issuing officer with the member of the public's name and the
30 reason for the request, on a form prescribed by the department
31 of public safety. Alternatively, a member of the public may
32 request the information in writing by completing the form
33 prescribed by the department of public safety and transmitting
34 the form to the department or issuing officer. The request
35 must include the name of the other person and at least one of

1 the following identifiers pertaining to the other person:

2 (i) The date of birth of the person.

3 (ii) The address of the person.

4 (iii) The telephone number of the person, including any
5 landline or wireless numbers.

6 (b) The department or issuing officer shall keep a record
7 of the person making the request and the reason for such a
8 request.

9 (2) The information released by the department of public
10 safety or issuing officer shall be limited to an acknowledgment
11 as to whether or not the person currently possesses a valid
12 professional or nonprofessional permit to carry weapons or a
13 permit to acquire pistols or revolvers, the date such permit
14 was issued, and whether the person has ever possessed such a
15 permit that has been revoked or has expired and the date the
16 permit was revoked or expired. No other information shall be
17 released under this paragraph "e".

18 f. Except as provided in paragraphs "b", "c", "d", and "e",
19 the release of any confidential information under this section
20 shall require a court order or the consent of the person whose
21 personally identifiable information is the subject of the
22 information request.

23 g. The department of public safety shall, by rule, establish
24 a reasonable fee to cover the costs of complying with the
25 release of information requests pursuant to this subsection.

26 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this
27 Act, being deemed of immediate importance, takes effect upon
28 enactment.

29 Sec. 10. APPLICABILITY. This division of this Act applies
30 to holders of nonprofessional permits to carry weapons and
31 permits to acquire pistols or revolvers and to applicants for
32 nonprofessional permits to carry weapons and permits to acquire
33 pistols or revolvers on or after the effective date of this
34 division of this Act.

35 DIVISION III

FRAUDULENT TRANSFER

1
2 Sec. 11. NEW SECTION. 724.29A **Fraudulent transfer of**
3 **firearms or ammunition.**

4 1. For purposes of this section:

5 *a. "Ammunition"* means any cartridge, shell, or projectile
6 designed for use in a firearm.

7 *b. "Licensed firearms dealer"* means a person who is licensed
8 pursuant to 18 U.S.C. §923 to engage in the business of dealing
9 in firearms.

10 *c. "Materially false information"* means information that
11 portrays an illegal transaction as legal or a legal transaction
12 as illegal.

13 *d. "Private seller"* means a person who sells or offers for
14 sale any firearm or ammunition.

15 2. A person who knowingly solicits, persuades, encourages,
16 or entices a licensed firearms dealer or private seller of
17 firearms or ammunition to transfer a firearm or ammunition
18 under circumstances that the person knows would violate the
19 laws of this state or of the United States commits a class "D"
20 felony.

21 3. A person who knowingly provides materially false
22 information to a licensed firearms dealer or private seller of
23 firearms or ammunition with the intent to deceive the firearms
24 dealer or seller about the legality of a transfer of a firearm
25 or ammunition commits a class "D" felony.

26 4. Any person who willfully procures another to engage in
27 conduct prohibited by this section shall be held accountable
28 as a principal.

29 5. This section does not apply to a law enforcement officer
30 acting in the officer's official capacity or to a person acting
31 at the direction of such law enforcement officer.

32 DIVISION IV

33 RULES

34 Sec. 12. NEW SECTION. 724.32 **Rules.**

35 The department of public safety shall adopt rules pursuant

1 to chapter 17A to administer this chapter.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to the issuance and verification of, and
6 the transfer of records concerning nonprofessional permits
7 to carry weapons and the confidentiality of records for such
8 permits and for permits to acquire pistols or revolvers, and
9 including effective date and applicability provisions.

10 POSSESSION AND VERIFICATION OF PERMIT TO CARRY WEAPONS —
11 FINE. The bill under Code section 724.5 makes it a simple
12 misdemeanor punishable by a \$10 scheduled fine if a person
13 armed with a revolver, pistol, or pocket billy concealed upon
14 the person does not possess the permit to carry weapons in the
15 immediate possession of the person, and fails to produce such
16 permit for inspection upon the request of a peace officer.
17 The bill specifies that a peace officer shall verify through
18 electronic means, if possible, the validity of the person's
19 permit to carry weapons. Current law provides that if a
20 person commits such a violation the person commits a simple
21 misdemeanor.

22 DURABLE COPY OF PERMIT. The bill requires that the
23 department of public safety, in addition to the sheriff issuing
24 a nonprofessional permit to carry weapons, issue a durable
25 copy of the nonprofessional permit to carry weapons to the
26 permit holder. The bill provides that within 14 days after
27 the sheriff has issued an initial, renewal, or duplicate
28 permit to carry weapons, the sheriff shall transmit the permit
29 holder's information to the department of public safety for the
30 department to issue the permit holder a more durable copy of
31 the permit. The bill requires the department of public safety
32 to issue the more durable copy of the permit to the permit
33 holder within 30 days of the permit holder's information being
34 transmitted to the department. The bill also provides that
35 the durable copy of the permit issued pursuant to the bill

1 shall be considered a valid permit in addition to the permit
2 issued by the sheriff. The bill specifies that the durable
3 copy of the permit shall have a uniform appearance, size,
4 and content prescribed and published by the commissioner of
5 public safety and shall contain the name of the permit holder
6 and the effective date of the permit, but shall not contain
7 the permit holder's social security number or photograph and
8 shall not contain information about a particular weapon or any
9 ammunition.

10 INTERNET HANDGUN SAFETY TRAINING COURSE. The bill provides
11 in Code section 724.9 that the handgun safety training course
12 required to obtain a permit to carry under Code section 724.11
13 may be conducted over the internet in a live or web-based
14 format, as long as completion of the course is verified by the
15 instructor or provider of the course.

16 ISSUANCE OF PERMIT TO CARRY OR RENEWAL — TRAINING
17 REQUIREMENTS. Under current law, prior to issuing any renewal
18 of a permit to carry weapons, the sheriff or commissioner under
19 Code section 724.11 shall determine if the requirements of Code
20 sections 724.6, 724.7, 724.8, 724.9, and 724.10 have been met.
21 The bill provides for additional or alternative requirements
22 under certain circumstances.

23 The bill provides that beginning with the first renewal of
24 a permit issued after the calendar year 2010, and alternating
25 renewals thereafter, if a renewal applicant applies within 30
26 days prior to the expiration of the permit or within 30 days
27 after expiration of the permit, the training requirements of
28 Code section 724.9(1) do not apply.

29 The bill provides that beginning with the second renewal of
30 a permit issued after the calendar year 2010, and alternating
31 renewals thereafter, if a renewal applicant applies within
32 30 days prior to the expiration of the permit or within 30
33 days after expiration of the permit, a renewal applicant shall
34 qualify by taking an online training course certified by the
35 national rifle association or the Iowa law enforcement academy,

1 and the training program requirements of Code section 724.9(1)
2 do not apply.

3 If any renewal applicant applies more than 30 days after
4 the expiration of the permit, the bill specifies the training
5 program requirements in Code section 724.9(1) do apply to the
6 applicant, and any subsequent renewal of this permit shall be
7 considered a first renewal for purposes of determining the
8 training requirements.

9 The bill specifies that the training program requirements
10 in Code section 724.9(1) do not apply to a renewal applicant
11 who is able to demonstrate completion of small arms training
12 (military) as specified in Code section 724.9(1)(d). For all
13 other renewal applicants who have applied more than 30 days
14 after the expiration of the permit, the bill allows, in lieu of
15 the training program requirements in Code section 724.9(1), the
16 renewal applicant to choose to qualify on a firing range under
17 the supervision of an instructor certified by the national
18 rifle association or the department of public safety or another
19 state's department of public safety, state police department,
20 or similar certifying body.

21 As an alternative, a renewal applicant, under the bill, may
22 choose to qualify at any renewal, under the training program
23 requirements in Code section 724.9(1), or the renewal applicant
24 may choose to qualify on a firing range under the supervision
25 of an instructor certified by the national rifle association
26 or the department of public safety or another state's
27 department of public safety, state police department, or
28 similar certifying body. Such training or qualification must
29 occur within the 24-month period prior to the expiration of
30 the applicant's current permit, except that the 24-month time
31 period limitation to complete the training or qualification
32 does not apply to an applicant who is able to demonstrate
33 completion of small arms training (military) as specified in
34 Code section 724.9(1)(d).

35 RENEWAL FEE. The bill does not increase or decrease the

1 fee for a renewal of a permit to carry weapons but does allow
2 a renewal applicant to pay the \$25 renewal application fee
3 if the renewal applicant applies within 30 days prior to
4 the expiration of the permit or within 30 days after such
5 expiration. Current law requires that in order to be assessed
6 the \$25 renewal application fee, the renewal applicant must
7 apply at least 30 days prior to the expiration of the permit to
8 carry weapons.

9 TRANSFER OF REGULATION OF PERMIT. The bill specifies that
10 the department of public safety shall by rule specify the
11 procedure to transfer the regulation of a nonprofessional
12 permit holder's permit to another sheriff for the purposes of
13 issuing a renewal or duplicate permit, or complying with Code
14 section 724.13 relating to permit suspensions and revocations
15 and criminal history background checks, if the permit holder
16 has changed residences from one county to another county since
17 the issuance of the permit.

18 CONFIDENTIALITY. The bill provides in Code section
19 724.23 that, notwithstanding any other law or rule to the
20 contrary, the commissioner of public safety and any issuing
21 officer (county sheriff) shall keep confidential personally
22 identifiable information of applicants and holders of
23 nonprofessional permits to carry weapons and permits to
24 acquire pistols or revolvers. The release of any confidential
25 information, except as otherwise provided in the bill, requires
26 a court order or the consent of the person whose personally
27 identifiable information is the subject of the information
28 request.

29 EXCEPTIONS TO CONFIDENTIALITY — RELEASE OF PERMIT
30 INFORMATION. The bill does not prohibit release of statistical
31 information relating to the issuance, denial, revocation, or
32 administration of nonprofessional permits to carry weapons and
33 permits to acquire pistols or revolvers if such information
34 does not reveal the identity of any individual applicant or
35 permit holder, the release of information to a law enforcement

1 agency investigating a violation of law where probable cause
2 exists, the release for purposes of conducting a background
3 check, or the release of information relating to the validity
4 of a professional permit to carry weapons to an employer who
5 requires an employee or an agent of the employer to possess a
6 professional permit to carry weapons as part of the duties of
7 the employee or agent.

8 The bill also permits the release of confidential
9 information to a member of the public, if the person in writing
10 or in person, requests whether another person possesses a
11 professional or nonprofessional permit to carry weapons or a
12 permit to acquire pistols or revolvers. Prior to the release
13 of the information under the bill, the member of the public
14 requesting the information must provide the department of
15 public safety or issuing officer with the member's name and
16 the reason for the request in writing and on a form prescribed
17 by the department of public safety even if the person appears
18 in person to request such information. The bill requires the
19 request to include the name of the other person and one of
20 the following personal identifiers: the date of birth of the
21 person, the address of the person, or the telephone number of
22 the person. The bill requires the department of public safety
23 or issuing officer to keep a record of the person making the
24 request and the reason for such a request. The bill provides
25 that the information released by the department of public
26 safety shall be limited to an acknowledgment as to whether the
27 person possesses a professional or nonprofessional permit to
28 carry weapons or a permit to acquire pistols or revolvers,
29 the date such a permit was issued, and whether the person has
30 ever possessed such a permit that has ever been revoked or has
31 expired and the date the permit was revoked or expired.

32 The bill specifies that the release of any other
33 confidential information shall require a court order or the
34 consent of the person whose personally identifiable information
35 is subject to the request.

1 FEE FOR RELEASE OF PERMIT INFORMATION. The bill provides
2 that the department of public safety shall, by rule, establish
3 a reasonable fee to cover the costs of complying with release
4 of permit information requests.

5 EFFECTIVE DATE AND APPLICABILITY. The portion of the bill
6 relating to confidentiality of permit information takes effect
7 upon enactment and applies to holders of nonprofessional
8 permits to carry weapons and permits to acquire pistols or
9 revolvers and to applicants for nonprofessional permits to
10 carry weapons and permits to acquire pistols or revolvers on or
11 after the effective date of this portion of the bill.

12 FRAUDULENT TRANSFER OF FIREARMS OR AMMUNITION. The
13 bill creates a new Code section to provide that a person
14 who knowingly solicits, persuades, encourages, or entices
15 a licensed firearms dealer or private seller of firearms
16 or ammunition to transfer a firearm or ammunition under
17 circumstances that the person knows would violate the laws
18 of this state or of the United States commits a class "D"
19 felony. A person who knowingly provides materially false
20 information to a licensed firearms dealer or private seller of
21 firearms or ammunition with the intent to deceive the firearms
22 dealer or seller about the legality of a transfer of a firearm
23 or ammunition commits a class "D" felony. Any person who
24 willfully procures another to engage in conduct prohibited by
25 this new Code section shall be held accountable as a principal.

26 The new Code section does not apply to a law enforcement
27 officer acting in the officer's official capacity or to a
28 person acting at the direction of such law enforcement officer.

29 RULES. The bill specifies that the department of public
30 safety shall adopt rules to administer Code chapter 724
31 (weapons).